



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/782,575

02/18/2004

Jeremy Hubbell

RTZ1.PAU.01

2123

23386

7590

12/21/2005

MYERS DAWES ANDRAS & SHERMAN, LLP  
19900 MACARTHUR BLVD.,  
SUITE 1150  
IRVINE, CA 92612

EXAMINER

BROOME, SAID A

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,575

Applicant(s)

HUBBELL, JEREMY

Examiner

Said Broome

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Driemeyer et al.(US Patent 6,606,092).

Regarding claim 1 and 2, Driemeyer et al. describes a computer system for defining a representation of a shader in graphical form in column 2 lines 28-42, which therefore also contains a method for defining the representation, as recited in the preambles of the claims. Driemeyer et al. describes a first collection of graphical objects in column 11 lines 63-67, each object having at least one input and at least one output in column 14 lines 8-11 and each of the first graphical objects defining a graphical function in column 12 lines 38-40, where it is described that a collection of graphical objects or nodes, define a graphical function where it is stated that the shader node defines a function for shading. Driemeyer et al. illustrates a first and second collection of graphical objects in Figure 3 where first and second collections are both shown as element 46 of Figure 3. Driemeyer et al. describes a second collection of graphical objects in column 12 lines 1-5, each object having at least one input and at least one output in column 14 lines 8-11 and each of the second graphical objects defining a graphical parameter in column 12 lines 45-50 where it is described that graphical objects, or nodes, define several

Art Unit: 2671

graphical parameters such as color. Driemeyer et al. also describes a set of directed wires with a wire of the set coupling between at least one output of the second graphical object set and at least one input of the first graphical object set in column 13 lines 30-34 where it is described that wires, or arrows, are coupled between graphical objects as illustrated in element 50 of Figure 3.


Regarding claim 2, Driemeyer et al. describes expressing a wire coupling between a first and second graphical object in column 13 lines 30-34, which is expressed as a representational software language as described in column 12 lines 53-59 where it is described that any type of graphical object is expressed in a representational language, and coupled by a wire or arrow as illustrated in Figure 3 as element 50. Regarding claim 1, Driemeyer et al. also describes a code definer operative to express a wire coupling between a first and second graphical object, the code definer further operative to identify each graphical parameter and graphical function coupled by the wire in column 9 lines 34-51 where it is described that a code definer, or phenomenon, describes how the graphical objects, or nodes, are interconnected or coupled together, provides values of parameters and properties of the graphical objects and contains code as described in column 9 lines 48-51, therefore the phenomenon uses code to define the graphical objects and their connectivity. Regarding claims 1 and 2, The code definer, or phenomenon, is inherently compiled and operative to translate its code into a program language suitable for operating and controlling a hardware shader because it is described in column 2 lines 28-42 that the phenomenon used in rendering and shading on a computer graphics system, in a selected programming language as described in column 12 lines 37-39 and is suitable for operating and controlling a hardware shader as described in column 2 lines 20-26 and column 19 lines 13-17.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Said Broome whose telephone number is (571)272-2931. The examiner can normally be reached on 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Broome SB  
12/16/2005

  
RICHARD HJERPE 12/19/05  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600